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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
OFFICE OF CRIMINAL INVESTIGATIONS12.3.54 v6
10/07/86

REPORT OF INVESTIGATION

1. TITLE Pioneer Construction Materials Co.	2. CONTROL NUMBER 86-X-4-4 #1 34W
3. PERIOD COVERED	4. REPORTING OFFICE Seattle 8/28/86
SYNOPSIS: <u>Case Opening Report/Investigative Plan</u> <p>On May 19, 1986, Jane Hadley, Investigative Reporter, Seattle Post Intelligencer, advised S/A Gerd Hattwig telephonically that she had received a telephone call from an anonymous male. Hadley indicated that this individual called her in response to some of the stories she had written regarding recent environmental indictments. Hadley indicated that she tried to have the anonymous caller get in direct contact with the enforcement agencies but the caller advised that he did not want to get involved with the government. The anonymous source, according to Hadley, stated that everyday when he leaves work he sees large cement trucks from Pioneer Sand and Gravel, Pioneer Cement and Glacier Sand and Gravel being washed out into the Duwamish. Reportedly, this occurred at the north end of Slip #2 and barges were brought in to hide the activity.</p> <p>Hadley inquired as to the legality of this type of activity and was told by S/A Hattwig that the legality of this activity could only be determined after a review of the company's NPDES permit and its limitations.</p> <p>A review of a Seattle business directory disclosed a listing for Pioneer Construction Materials Company, a division of Riedel International Inc., at 5975 East Marginal Way S., Seattle, WA and a secondary listing for Glacier Sand & Gravel Co. also located at the same street address. Telephone numbers for these businesses were listed as 764-3030 and 764-3000.</p> <p>In discussing the above information with Mr. Dan Cargill, Washington State Dept. of Ecology (WDOE) Inspector, it was learned that Jane Hadley had also complained to his office regarding the activities of the Pioneer Construction Materials Co. Cargill advised that the WDOE was investigating the complaint. Cargill further advised that one of the other WDOE inspectors, a Mr. Richard Koch, conducted an inspection of the Pioneer facility on May 1, 1986.</p> <p>On May 23, 1986, Dan Cargill contacted S/A Gerd Hattwig and advised that his department had just received another complaint regarding the Pioneer Construction Materials Co. He indicated that an individual named Lee Moyer was teaching a kayak class on the Duwamish River on May 22, 1986, in the evening. At that time, Moyer observed and photographed the discharge of what appeared to be cement truck washing residue into the northern part of Slip #2 of the Duwamish River. Cargill further indicated that Lee Moyer was in the process of providing</p>	
REPORT MADE BY S/A Gerd Hattwig	DATE 10/7/86
REVIEWING OFFICIAL SAIC Dixon McClary	DATE 10/7/86

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CONTINUATION SHEET

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the WDOE with a report, a list of other witnesses, and the photographs. Cargill also stated that, according to the state records, the Pioneer Construction Materials Co. does not have an NPDES permit to discharge into the Duwamish River. He further indicated that on May 1, 1986, Mr. Richard Koch, the other WDOE employee, had discussed the possible need for an NPDES permit with the management of Pioneer Construction Materials Co. At that time he was advised that the plant did not discharge into the Duwamish River and would not be discharging into the Duwamish in the future and therefore no NPDES permit would be required. According to Cargill, a written report of Koch's inspection, dated May 2, 1986, was mailed to Ron Summers, Plant Manager, Pioneer Construction Materials Co. by Mr. Koch. In the report Koch again discussed the concerns of the WDOE over possible discharges into the Duwamish River and the need to obtain an NPDES permit. The report also contained, as attachments, an application for an NPDES permit and the instructions for completing it.

When contacted by S/A Hattwig, Lee Moyer advised that he had provided a written report of the incident to the WDOE and also furnished them with the list of witnesses as well as the negatives of the photographs that he took. Moyer indicated that he is the owner/operator of Pacific Water Sports, a firm engaged in the manufacture, sales and distribution of small recreational boats. He further indicated that he is a frequent recreational user of the Duwamish River and that he teaches kayaking to members of the general public on the Duwamish. Moyer agreed to cooperate in any continuing investigation by the EPA/OCI and the WDOE. He further volunteered to provide the boats necessary to conduct any further investigation. It was agreed that Moyer would meet with S/A Hattwig at a later time.

A review of EPA Region 10 records indicate that neither Pioneer Construction Materials Co. nor Riedel International Inc. have an NPDES permit or application pending. On 8/26/86, S/A Hattwig reviewed the WDOE file on Pioneer. That review, along with conversations with Richard Koch and Dan Cargill, indicate that Pioneer does not intend to apply for an NPDES permit. Koch stated that subsequent to his letter of May 2, 1986 to Ron Summers, he also had a telephone conversation on May 12, 1986 with Summers. During the call, Summers again assured that there would be no discharges from the Pioneer plant into the Duwamish and that temporary measures had been taken to avoid any discharge. Summers also assured Koch that the measures would be permanently incorporated in the future construction and upgrading of the plant. Cargill further furnished the photographs and correspondence that he had received from Lee Moyer.

Part of the WDOE file regarding Pioneer Construction Materials Co. was a report dated November 12, 1985, by Mr. Rene Fuentes, Hydrologist, U.S. EPA. The report stated that on 10/17/85 while on an inspection flight with Julie Sellick, WDOE, they witnessed what appeared to be a sediment discharge plume coming from a construction materials operation on the east side of the Duwamish Waterway near the north side of Boeing Field. Fuentes photographed the site and the discoloration in the water. Attached to the report was a photograph identified as having been taken on 10/17/85 by Rene Fuentes, as witnessed by Julie Sellick. The photograph was marked as: looking east at Slip #2, Glacier Sand & Gravel Co., 5975 E. Marginal Way S., note discoloration at water along north side of slip.

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Mr. Fuentes was later contacted by S/A Hattwig regarding the above referenced report and photograph. Fuentes indicated that he had a vivid recollection of the incident. He indicated that this observation was made during an overflight by helicopter from another site which was under investigation by EPA at that time.

Additional Investigation and Technical Assistance Required

Additional investigation consists of surveillance, photographs, videotapes, and sampling of the discharges by Pioneer. Technical assistance will be provided by Region 10 ESD Division and the Region 10 Lab at Manchester, WA.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
OFFICE OF CRIMINAL INVESTIGATIONS

REPORT OF INTERVIEW

1. TITLE Pioneer Construction Materials Company	2. CONTROL NUMBER 86-X-4-4 #2 34W
3. PERSON INTERVIEWED Lee Moyer	4. REPORTING OFFICE Seattle
5. LOCATION Seattle, WA	6. DATE 6/13/86

On June 13, 1986 Lee Moyer, owner/operator of Pacific Water Sport located on South Pacific Highway, Seattle, WA was interviewed by S/A Gerd Hattwig regarding his (Moyer's) observations of discharges of wastewater by the Pioneer Construction Materials Co. At this time Moyer reviewed a letter which he had written to the Dept. of Ecology (DOE) on May 23, 1986. Mr. Moyer indicated that this letter was written only one day after the observations and is an accurate description of his observations. The letter reads as follows:

On May 22, 1986 I was teaching a kayak class on the Duwamish River in the evening. About 7:30 PM we paddled into the first slip on the east side of the Duwamish downstream of the First Ave. Bridge where we saw a very large milky area in the water and two outlets gushing what appeared to be wash water from the cement plant on the north shore of the inlet. I photographed the extent of the colored area in the Duwamish. There was a barge moored slightly inland of the outlets and the milky muddy water extended out from the bank almost to the outer edge of the barge. The current was along the north shore of the inlet away from the main Duwamish channel and the muddy area extended to the inward end of the barge. In other words, the muddy water covered an area larger than the barge and the area between it and the shore together.

The water was very turbid. I got out of my kayak and climbed up the bank. The area behind the bulkhead appeared to be a washing and settling area. The catchbasin trough along the inside of the bulkhead contained muddy flowing water that seemed to be draining under the bulkhead and into the river. Next to the trough to the east was a turning auger half covered with the muddy water, which was kept agitated by the auger. This muddy water also seemed to be draining into the Duwamish. I photographed as much as I could but I was using black and white film.

This was not an accidental leak. It appeared that machinery was pumping and agitating the water so it would carry the mud into the Duwamish.

An employee confronted me as I stood on the top of the bank. In our brief encounter I asked if this was a normal procedure and his reply was "of course, this is a cement plant, isn't it?" I returned to my kayak and he left.

As I paddled about two more men watched me photograph. I tried to document

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REVIEWING OFFICIAL SAIC Dixon McClary	DATE 10/30/86

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CONTINUATION SHEET

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the extent of the release. I also photographed the conveyor system which seemed to have dropped white powder where the high tide levels would wash it into the river. The system seemed to be in a poor state of repair.

Mr. Moyer was then shown the photographs which he identified as having been taken by him on 5/22/86. Moyer wrote a brief description of each photo taken and initialed the same.

Moyer also stated that on May 30, 1986 at approximately 9:20 PM he was paddling his kayak into Slip #2 of the Duwamish and saw a watery substance gushing out from behind a 12" x 12" (approximate) steel plate which was fastened to the bulkhead. He indicated that the watery discharge was milky and made a large milky cloud in the water. Moyer indicated that he observed this discharge from approximately 9:20 to 9:40 PM and that it seemed to be a steady flow.

Moyer stated he again observed a discharge from the Pioneer plant on June 4, 1986 at about 6:30 PM. At that time he was in a kayak and he videotaped this discharge which was occurring at the open drain below the auger.

Moyer indicated that he made additional observations on June 11, 1986, at approximately 9:40 PM. At that time he was paddling in his kayak on the Duwamish River and upon entering Slip #2 he noticed that Pioneer Construction Materials Co. was discharging a watery substance from two distinct drains. Both discharges were muddy and the most westerly of the discharges was a very dark color. The more easterly discharge point, behind the square metal plate, was milky in color. Moyer was able to hear the equipment of the facility which was operating at the time. Moyer also indicated that he videotaped the discharges at this time and he observed this activity for approximately 15 minutes starting at 9:40 PM. Moyer provided the original videotape to S/A Gerd Hattwig.

A complete debriefing of Moyer will occur at a later time.

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REPORT OF INVESTIGATION

1. TITLE Pioneer Construction Materials Co.	2. CONTROL NUMBER 86-X-4-4 #3 34W
3. PERIOD COVERED	4. REPORTING OFFICE Seattle

SYNOPSIS:

Observations and Sampling on June 13, 1986

Reference is made to ROI's 86-X-4-4 #1 and #2 reporting possible violations of the Clean Water Act by Pioneer Construction Materials Co. from discharges of wastewater into the Duwamish River in an area designated as Slip #2.

On June, 13, 1986 at approximately 8:15 PM, Lee Moyer and S/A Gerd Hattwig traveled by kayak to the location of Pioneer Construction Materials Co. on the Duwamish River. Upon arriving off-shore from the plant, located at the north side of Slip #2, the odor of cement was evident and discoloration in the water was noticeable. The source of this discoloration was a drain located behind an approximate 12" x 12" steel plate on the south side of the facility. The drain was discharging a large quantity of liquid which was gushing from behind the plate. The plume of the discharge was flowing toward the east part of the waterway and away from the Duwamish River. The discharge was sampled by Lee Moyer as it entered the waters of the Duwamish. Additionally, a water sample was taken away from the discharge for comparative purposes and it appeared quite a bit clearer. There did not seem to be any other activity occurring at the truck wash area of the plant. At approximately 8:23 PM the surveillance was terminated while the discharge was still occurring.

At 8:55 PM, Moyer and S/A Hattwig returned to the area of the Pioneer facility. The water off-shore from Pioneer, in the Duwamish River, appeared to be quite clear. After turning into Slip #2 along the northern edge which is bordered by the plant, Moyer and S/A Hattwig observed that the water was turning gray and had an obvious odor of cement. Moyer and S/A Hattwig further observed that the discharge from the drain covered by the metal plate was still occurring. The discharge foamed as it entered the water. At approximately 9:03 an unidentified male was observed checking some parked cement trucks. The male, who was holding a clipboard, was described as: black, approximately 5'6" to 5'7" tall, approximately 35 years of age, wearing a cap. The surveillance of the Pioneer plant was terminated at approximately 9:10 PM at which time the discharge was still occurring.

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REPORT OF INVESTIGATION

1. TITLE Pioneer	2. CONTROL NUMBER 86-X-4-4 #4 34W
3. PERIOD COVERED	4. REPORTING OFFICE Seattle

SYNOPSIS:

Observations of Lee Moyer on 6/19/86

Reference is made to ROI's 86-X-4-4 #1 and #2 reporting possible violations of the Clean Water Act by Pioneer Construction through discharges of wastewater into the Duwamish River in an area designated as Slip #2.

On 6/19/86 Lee Moyer contacted S/A Hattwig and indicated that this morning at approximately 7:12 AM he observed from the opposite shoreline a discharge of a discolored, watery substance from the drain which was covered by the metal plate. Moyer further indicated that he was videotaping the occurrence and that he was able to observe this discharge due to the fact that the tide was abnormally low. The barge which would normally block any observation was low enough that he was able to observe the plate drain from the opposite shoreline. During his videotaping of the incident he was contacted by a male who was wearing a hardhat with the word Glacier written on it. This individual asked if he could help Mr. Moyer. Moyer indicated that he did not need any help.

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REPORT OF INVESTIGATION

1. TITLE Pioneer Construction Materials Co.	2. CONTROL NUMBER 86-X-4-4 #5 34W
3. PERIOD COVERED	4. REPORTING OFFICE Seattle

SYNOPSIS:

Observations on 6/23/86

Reference is made to ROI's 86-X-4-4 #1 and #2 reporting possible violations of the Clean Water Act by Pioneer Construction from discharges of wastewater into the Duwamish River in an area designated as Slip #2.

On 6/23/86 S/A Hattwig observed a discharge of a liquid substance occurring from a pipe under the cement block area at Pioneer. This discharge point was to the east of the metal plate covered drain and was also to the east of the dock which is used to load/unload barges by Pioneer. The discharge was observed for a period of approximately 20 minutes from 7:35 AM to 7:55 AM and seemed to be steady. The discharge was not causing a large amount of discoloration in the water. The drain behind the metal plate in the bulkhead was not discharging at this time and neither was the open drain area to the west of it.

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
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REPORT OF INVESTIGATION

1. TITLE Pioneer	2. CONTROL NUMBER 86-X-4-4 #6 34W
3. PERIOD COVERED	4. REPORTING OFFICE Seattle

SYNOPSIS:

Observations on June 26, 1986

Reference is made to ROI's 86-X-4-4 #1 and #2 reporting possible violations of the Clean Water Act by Pioneer Construction Materials Co. through discharges of wastewater into the Duwamish River in an area designated as Slip #2.

On June 26, 1986 S/A's Mann and Hattwig conducted a surveillance at the concrete plant identified above. S/A Hattwig observed a discharge of brown liquid from an open drain down the bank of the waterway adjacent to Pioneer. The brown liquid was flowing as a steady stream from an area next to a screw-like machine and entering the waterway causing discoloration and foaming on the surface. During this period of time a number of cement trucks, some of them marked Glacier Sand & Gravel, and some of them marked Pioneer Sand & Gravel, were being washed down. The observation took place from the opposite side of the waterway from a public access area previously occupied by Alaska Freight Co. Between 3:30 PM and 3:55 PM, S/A Hattwig drove through the area a number of times and the flow of the brown liquid was visible on each occasion.

At approximately 3:55 PM S/A Mann observed that the large water tank located on the Pioneer property was overflowing. S/A Mann witnessed a worker in a yellow hardhat operate a valve by the water tank which was overflowing. The worker operated this valve three times while standing there and each time the flow of the brown liquid through the open drain into the Duwamish increased significantly. S/A Mann also observed that the liquid was brown in color and foaming when it hit the water in the waterway.

At approximately 4:05 PM S/A's Hattwig and Mann were parked in their vehicle in front of the former Alaska Freight Co. and observed the same worker in the yellow hardhat operate a valve along the horizontal pipe connected to the water tank. This valve was operated with a lever and after this individual operated the valve the flow of brown liquid into the waterway increased significantly. After having opened this valve the worker in the yellow hardhat entered a large skiploader and drove off toward the west end of the property.

During the time from 4:05 PM to 4:25 PM the S/A's observed cement trucks being washed in that work area. At approximately 4:25 PM the large tank overflowed again and a brown foamy substance could be observed running down the sides. A worker wearing a green hardhat and yellow shirt started to operate a valve at the bottom of the tank and the overflow stopped. However, the increase of liquid being discharged through the open drain increased significantly.

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The worker wearing the green hardhat and yellow shirt was a white male, 165 lbs., 25 to 35 years old, mustache, dark hair-collar length. At approximately 4:30 PM this individual with the green hardhat was observed operating yet another valve and then was seen hosing down material with a high pressure water hose. He then operated two valves which he operated with a lever-type handle. Each time the flow of brown liquid through the open drain increased significantly. Subsequent to this action and some additional hosing down of the area with a high pressure water hose, this individual was seen heading toward the office building on the west part of the facility. At approximately 4:37 PM a large cement truck backed up to the truck washing area. This truck was identified by a number at the rear of the cab. The number was 74863. The truck was observed taking on brownish dark water and after some period of time discharging what appeared to be a darker brown liquid substance out of the back of the mixing tank. The individual operating the truck was wearing a red hardhat and blue overalls. The truck was blue and red in color. Another truck also pulled up during the observation time and took on a brownish looking water and then discharged the apparent washout leftovers onto the ground. During the same period of time a blue-green truck backed up to what appeared to be a tank with a large screw rotating within it. This cement truck discharged a brownish watery substance which seemed to contain some sand and gravel into the tank. At approximately 4:45 PM this activity by the blue/green cement truck stopped.

At approximately 4:45 PM S/A's Hattwig and Mann drove along the edge of the waterway opposite from Pioneer. At that time the agents observed a discharge of a brownish liquid substance from a second point source. The discharge originated out of the cement wall adjacent to the water tank described earlier. The source of this discharge was partially obscured by a steel plate which appeared to be like an anchor in the cement wall. The flow from behind this pipe was quite strong as water was gushing all around it. This discharge was not observed on prior occasions. At approximately 4:55 PM the surveillance by S/A's Hattwig and Mann was terminated at Pioneer. At that time both discharge points, the open drain and the drain out of the cement wall, were discharging a brownish liquid.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
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REPORT OF INVESTIGATION

1. TITLE Pioneer	2. CONTROL NUMBER 86-X-4-4 #7 34W
3. PERIOD COVERED	4. REPORTING OFFICE Seattle 6/23/86

SYNOPSIS:

Observations on June 22, 1986

Reference is made to ROI's 86-X-4-4 #1 and #2 reporting possible violations of the Clean Water Act by Pioneer Construction Materials Co. through discharges of wastewater into the Duwamish River in an area designated as slip #2.

On June 23, 1986 Lee Moyer reported that at about noon on June 22, 1986, he traveled by kayak to the Pioneer facility on the Duwamish River. Moyer indicated he observed a discharge of a discolored liquid from the "plate drain" in the cement wall. Moyer also recorded this discharge by means of a video tape recorder. Moyer stated the discharge ran down the embankment and entered the water of the Duwamish creating a discoloration in the water.

Moyer further stated that he did have a problem with his video recorder and that he recorded by accident over the prior recording he made on June 19, 1986. He indicated that on June 19, 1986 he video recorded a similar discharge from the same facility.

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REPORT OF INVESTIGATION

1. TITLE Pioneer	2. CONTROL NUMBER 86-X-4-4 #8 34W
3. PERIOD COVERED	4. REPORTING OFFICE Seattle

SYNOPSIS:

Reference is made to ROI's 86-X-4-4 #1 and #2 reporting possible violations of the Clean Water Act by Pioneer Construction Materials Co. through discharges of wastewater into the Duwamish River in an area designated as Slip #2.

On 8/20/86 S/A Hattwig conducted a surveillance of the Pioneer facility on the Duwamish River. To the south of this concrete plant was a freshly painted building identified by a large sign painted on the building as Pioneer Construction Materials Co. Building Materials Warehouse. The street address was shown as 6335 1st Ave. South. North of this building is the public access to Slip #2.

At about 5:30 PM S/A Hattwig observed a liquid discharge from an area below the large water tank and next to the auger-like piece of machinery. This liquid discharge was running down the embankment and foaming as it entered the waters of the Duwamish. Concrete mixer trucks were being washed out and hosed down in close proximity of the discharge. One of the concrete mixer trucks was labeled Glacier, Helping Build the West; number 74-941 on the truck was visible with the aid of binoculars. Another mixer truck with a red and white stripe around its drum and a "W" on the door of the cab was also visible. The number of this truck was 350. Both these vehicles were observed being washed out and dumping large amounts of liquid near the area of the discharge.

In addition to the discharge running down the embankment near the corner of the auger-like machinery there was also a discharge observed about 50 ft. to the west along the bulkhead in an area where the shoreline becomes irregular. A liquid substance was observed running down the side of the embankment and into the Duwamish. The source of this discharge was some type of hose or pipe from which the discharge is gushing.

At approximately 6:40 PM S/A Hattwig discontinued this surveillance which was conducted from his vehicle parked on the east side of 1st Ave. South. During this period of surveillance the flow from both point sources described continued at a steady rate.

At about 7:12 PM Lee Moyer and S/A Hattwig resumed the surveillance by approaching the Pioneer facility from the waterside using kayaks. They observed the liquid discharging from a black hose about 1" in diameter, which was hanging over the

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side of the cement wall. This discharge was previously described as being about 50 ft. to the west of the open drain below the water tank. The discharge from this hose was steady with a great deal of velocity, running down the embankment and into the Duwamish at waterway #2. S/A Hattwig measured a pH of 10.0 by means of a portable pH meter and Lee Moyer took a water sample in the small cove where this discharge entered the Duwamish.

Additionally, Moyer and S/A Hattwig observed, suspended under about 2" of water a cloudy mass of blobs, gray in color, that would disintegrate when disturbed. Moyer videotaped this and took water samples. S/A Hattwig used the portable pH meter and measured a pH of 10.1 in the water containing the oddly suspended blobs.

At about 7:20 PM Moyer and S/A Hattwig were offshore from the corner of the auger-like machine and observed a brownish gray substance cascading down the embankment and flowing into the Duwamish. The discharge originated just west of the corner and was causing foam when it entered the Duwamish. Again Moyer videotaped the discharge and took a water sample at the point where the liquid entered the Duwamish. S/A Hattwig, using the portable pH meter, measured a pH of 11.2 in the Duwamish at the point of discharge and a pH of 12.1 in the discharge as it cascaded down the embankment. At about 7:38 PM the surveillance team left the area as both point sources were discharging at a steady flow.

At about 8:45 PM Moyer and S/A Hattwig paddled past the Pioneer plant again and observed that both point sources were still discharging at about the same rate as had been noted previously.

During this surveillance from the kayaks no discharge was observed from behind a metal plate in the cement wall to the east of the current discharge. However, discoloration from prior discharges was clearly visible on the wall below the plate.

On shore S/A Hattwig took custody of the videotape and the samples. The samples were sent to the EPA Lab at Manchester for analysis.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
OFFICE OF CRIMINAL INVESTIGATIONS

REPORT OF INVESTIGATION

1. TITLE Pioneer Construction Materials Co.	2. CONTROL NUMBER 86-X-4-4 #9 34W
3. PERIOD COVERED	4. REPORTING OFFICE Seattle

SYNOPSIS: Observations on 8/25/86

Reference is made to ROI's 86-X-4-4 #1 and #2 reporting possible violations of the Clean Water Act by Pioneer Construction from discharges of wastewater into the Duwamish River in an area designated as Slip #2.

On 8/25/86, at approximately 5:35 PM, S/A Gerd Hattwig was at a surveillance point just east of Slip #2 at the Duwamish Waterway and between the operating facility of Pioneer and a building renovated for use by the same company. S/A Hattwig observed a visible discharge of a liquid substance from a pipe below the cement block area (also see ROI 86-X-4-4 #5). The discharge was occurring from the same point observed by S/A Hattwig on 6/23/86.

At approximately 5:39 PM S/A Hattwig observed the discharge of a brownish liquid material from the area below the water tank at the Pioneer facility. This brownish liquid was coming from an open drain. The liquid was running down the embankment and foaming as it entered the waters of the Duwamish. During that time there were various activities going on at the plant. For example, a skiploader was in operation on a barge which is tied to the dock at Pioneer. The area of the drainpipe, covered by the 12 x 12 metal plate, was not visible due to the fact that the large barge (the one being unloaded) was blocking the view.

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1. TITLE Pioneer	2. CONTROL NUMBER 86-X-4-4 #10 34W
3. PERIOD COVERED	4. REPORTING OFFICE Seattle

SYNOPSIS:

Observations on 8/27/86

Reference is made to ROI's 86-X-4-4 #1 and #2 reporting possible violations of the Clean Water Act by Pioneer Construction Materials Co. through discharges of wastewater into the Duwamish River in an area designated as slip #2.

On 8/27/86 at about 5:05 PM S/A's Mann and Hattwig were conducting a surveillance from across 1st Ave. South between the area of Pioneer Construction Materials and a building to the south of it. Looking to the west, 7 cement trucks were visible at the cement truck wash area being washed. Also visible was a hose at the western part of the truck washing area and it was discharging a liquid substance. Wetness was visible all down the bulkhead and the water was running into the water of the Duwamish at Slip #2. There was an individual shoveling material over the bulkhead into Slip #2. He shoveled material over the side. The man that was shoveling was described as a black male with a beard, wearing a blue hat and blue coveralls. At 5:13 PM the individual ceased shoveling after 35 shovels over the side. A liquid substance continued running from the point source located toward the western part closest to the office facility of the truck wash area.

At 5:20 PM the S/A's observed a discharge from a pipe which is located directly under the area where the cement blocks are poured; which is at the eastern part of Slip #2 on the north side.

Surveillance was interrupted temporarily at 5:20 PM.

At 5:35 PM the S/A's continued surveillance from across the street in the public parking area across from the cement plant. The large water tank was just overflowing. It was overflowing at both sides at that time. Two individuals were now cleaning out the channel that runs parallel to the cement wall which extends up from the bulkhead and throwing shovels of material over the side as described earlier. A second individual, a white male, joined the black male described above and engaged in the shoveling over the side. This second male was wearing a green hardhat, sleeveless green shirt, with dark blond hair, with a mustache and glasses. Approximately another 12 shovels of material were observed being thrown over the side at that point. At 5:40 PM the water tank began overflowing again - a large plume was cascading over the side of the tank. The shoveling operation was still going on at this time. There was a

REPORT MADE BY S/A Gerd Hattwig	DATE 1/6/87
REVIEWING OFFICIAL SAIC Dixon McClary	DATE 1/7/87

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CONTINUATION SHEET

CONTINUED

steady traffic of cement trucks pulling up to the wash and emptying their tanks. The previously described black male with the overalls had a name written on the left side of his coveralls in red. However, the name was not readable from the point of surveillance. At 5:44 PM, the shoveling operation at the trench appeared to be moving along from the east to the west and the workmen were shoveling the debris over the cement wall into slip #2 of the Duwamish. From their vantage point S/A's were unable to determine whether the debris was entering the water or merely the tide area (it would depend on how high the tide was at this time). At 5:52 PM the shoveling operation over the side continued. Cement trucks were still pulling in and being washed. At 6:07 PM the shoveling operation continued and S/A Mann, with the aid of binoculars, observed material entering the water. S/A Hattwig observed on prior surveillances, by kayak, to the shoreline of the Pioneer facility that inevitably the material which did not hit the water will be washed into the river at the next high tide.

At approximately 6:10 PM the surveillance was discontinued. At that time the hose to the west of the water tower was still discharging, material was still being shoveled into the Duwamish and the pipe below the cement block area was still discharging liquid.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
OFFICE OF CRIMINAL INVESTIGATIONS

REPORT OF INVESTIGATION

1. TITLE Pioneer	2. CONTROL NUMBER 86-X-4-4 #12 34W
3. PERIOD COVERED	4. REPORTING OFFICE Seattle

SYNOPSIS:

Discharge on 9/3/86

Reference is made to ROI 86-X-4-4 #13 by S/A Commodore Mann reporting the execution of a federal criminal search warrant on 9/3/86 at Pioneer Construction Materials Co., 5975 E. Marginal Way South, Seattle, WA.

On 9/3/86 at approximately 3:45 PM during the surveillance prior to the execution of the search warrant S/A Commodore Mann and Andrew Hess, EPA-ESD made an observation from a boat of a liquid discharge at Pioneer, East Marginal Way South, Seattle, WA. The discharge was observed flowing into the Duwamish River on the north side of Slip No. 2. The discharge appeared from the vicinity of the auger and the seawall at Pioneer. The liquid flowed from that area over a pile of rock and debris and into the Duwamish. The liquid was gray and cloudy in color. After approximately 5 minutes the flow of liquid slowly tapered off until there was no longer any discharge into the river.

13.
X

REPORT MADE BY S/A Commodore Mann	DATE Nov 12, 1986
REVIEWING OFFICIAL SAIC Dixon McClary	DATE 11/12/86

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
OFFICE OF CRIMINAL INVESTIGATIONS

REPORT OF INVESTIGATION

1. TITLE Pioneer Construction	2. CONTROL NUMBER 86-X-4-4 #11 34W
3. PERIOD COVERED	4. REPORTING OFFICE Seattle 12/30/86

SYNOPSIS:

The following information addresses the structure of Pioneer Construction Materials Co.

This information is based on Dun and Bradstreet reports, public records, and research by the writer.

Company/Corporation

Name: Pioneer Construction Materials Company (a division of Riedel International Inc.)

Address: Headquarters (Duwamish River Facility)- 5975 East Marginal Way S.
Seattle, WA

Facilities:

a. Lake Union Facility - 901 Fairview Ave. North
Seattle, WA

b. Duwamish River facility--address contained in #2 above

Parent Corporation: Riedel International Inc. - P.O. Box 3320
Portland, OR

State of Incorporation: Riedel International Inc. 12/21/37 - Oregon
(subsidiary of Riedel Resources Inc., Portland, OR)

Registered Agent: Unknown

In 1984 Riedel Resources was formed and in 1985 was reported to be the holding company of Riedel International Inc. Riedel International Inc. is involved in heavy construction, dredging, sand, gravel, concrete, towing and barge lines; employs between 1000-2000 people and has reported sales of \$200,000,000 according to Dun and Bradstreet report dated 7/15/86. Riedel International Inc. is also involved in providing environmental services through Riedel Environmental Services Inc., a subsidiary. In 1983, EPA awarded Riedel International the Emergency Response Cleanup Services (ERCS) Contract, covering all "Superfund" sites west of the Mississippi including Alaska, Hawaii and the U.S. Trust Territories. The Environmental Services Div. of Riedel International was chosen as the sole emergency response

REPORT MADE BY Gerd Battwig, Special Agent	DATE 7-12-87
REVIEWING OFFICIAL SAIC Dixon McClary	DATE 7/21/87

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CONTINUATION SHEET

CONTINUED:

organization for all remedial action involving hazardous waste material. Riedel International Inc. controls a number of other subsidiaries including Pioneer Construction Materials Co. and has offices at the following locations:

Portland, OR
San Francisco, CA
Richmond, CA
Long Beach, CA
Seattle, WA
St. Louis, MO
Honolulu, HI
Montreal, Quebec
Vancouver, BC
Hamilton, Bermuda
Rio de Janeiro, Brazil
Foz do Iguaçu, Brazil
Mexico City, Mexico
Wake Island (job office)
Steilacoom, WA (sand and gravel plant)

As of 7/15/86 the corporate officers of Riedel International Inc. were listed as:

Arthur A. Riedel, Chairman of the Board
Ronald G. Witcosky, President
Joseph R. McGuinn, Executive Vice-President/Secretary
Vernon C. Scott, Executive Vice President
Jamshed Dastur, Executive Vice President
Robert E. Westermann, Exec. Vice President
Robert Bittner, Vice President

Arthur A. Riedel is also the only director listed.

As of 12/31/83 Riedel International assets were listed as \$51,991,351 with a net worth of \$17,625,931 and sales of \$152,988,553. On December 29, 1985 Riedel Environmental Services Inc., a subsidiary of Riedel International Inc., was considering a public stock offering in 1986 to provide for additional growth. Assets were reported at \$60,000,000. The public offering was supposed to raise about \$20,000,000.

Pioneer Construction Materials Co. is a division of Riedel International, headquarters in Portland, OR. This division employs about 400 people in the Seattle/Tacoma area. James Repman is president of Pioneer. Pioneer sells retail building materials to the public, but also operates four concrete mixing plants and a fleet of cement mixer trucks in the greater Seattle/Tacoma area.

CONTINUATION SHEET

86-244-4 #11 34W

CONTINUED:

Management of Pioneer Construction:

1. Name: James A. Pepman
 2. Title: President, Pioneer Construction Materials Co.
 3. Residence: 4625 136 St, Bellevue, WA
 4. Residence telephone: 206-746-7691
 5. Work Address: 5975 E. Marginal Way S., Seattle, WA
 6. Criminal Record: None known
-
1. Name: Ronald E. Summers
 2. Title: Operations Manager, Pioneer Construction Materials Co.
 3. Residence: 2215 80th SE, Mercer Island, WA
 4. Residence phone: 206-236-1523
 5. Work Address: 5975 E. Marginal Way S., Seattle, WA
 6. Criminal Record: None known
-
1. Name: Robert E. Tea
 2. Title: Foreman-Operations, Pioneer Construction Materials Co.
 3. Residence: 1416 Mason, Puyallup, WA
 4. Residence phone: 206-863-1675
 5. Work address: 5975 E. Marginal Way S., Seattle, WA
 6. Criminal record: None known

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
OFFICE OF CRIMINAL INVESTIGATIONS

REPORT OF INVESTIGATION

1. TITLE Pioneer Construction Materials Company	2. CONTROL NUMBER 86-X-4-4 #13 34W
3. PERIOD COVERED	4. REPORTING OFFICE Seattle 9/8/86

SYNOPSIS:

Search Warrant

On 9/3/86 U.S. Magistrate John L. Weinberg issued a criminal search warrant for Pioneer Construction Materials, 5975 E. Marginal Way South, Seattle, WA. (206-764-3000). The search warrant was based upon a written affidavit of S/A Gerd Hattwig. The search warrant was issued under Magistrate's Docket #86-231M-01. Copies of the search warrant and affidavit are attached.

On 9/3/86 at approximately 1:30 PM the following individuals met at the Seattle Area Office to discuss the search warrant and the property list of items to be seized pursuant to the warrant:

1. S/A Gerd Hattwig
2. S/A Dixon McClary
3. S/A Ken Purdy
4. S/A Commodore Mann
5. S/A Lorie Hanson
6. Paul Boys, EPA Region 10
7. Dan Bodien, EPA Region 10
8. Jim Hileman, EPA Region 10
9. Dan Tangerone, EPA Region 10
10. Andrew Hess, EPA Region 10
11. Dan Cargill, WA Dept. of Ecology (WDOE)
12. Richard Koch, WDOE
13. Mark Horton, WDOE

At the meeting, the above named individuals discussed the affidavit for the search warrant, the search warrant and the property list of items to be seized. All the above were given a copy of the search warrant and property list. All the above were part of the search team. (Note: Mark Horton, WDOE, entered the Pioneer complex at the beginning of the search then departed the area shortly thereafter.)

On 9/3/86 at approximately 4:45 PM S/A's Hattwig and McClary entered the Pioneer Construction Materials Corporate Headquarters building, 5975 E. Marginal Way S., Seattle, WA. At the corporate hqs. the agents met Ron Summers, Operations Manager of the Pioneer facility. The agents identified themselves to Summers. Summers was given a certified copy of the search warrant.

REPORT MADE BY S/A Commodore Mann	DATE Oct 30, 1986
REVIEWING OFFICIAL SAIC Dixon McClary	DATE 10/30/86

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CONTINUATION SHEET

CONTINUED:

During the search Summers, Jim Repman, President of Pioneer, and Bob Tea were interviewed. Those interviews will be the topic of separate reports.

During the search, Charles R. Blumenfeld and Linda Christopherson, Attorneys at Law, arrived at the Pioneer facility. The two attorneys stated they were there at the request of Jim Repman. At the conclusion of the search Repman reviewed the inventory of items seized in the presence of Blumenfeld and Christopherson. A copy of the inventory was left with Repman.

The agents departed the Pioneer facility at approximately 10:25 PM. A total of 54 items were seized. This total included soil and liquid samples taken on Pioneer property. The items seized were transported to the Seattle Area Office and secured. The samples were transported on 9/4/86 to the EPA Manchester Lab for analysis.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
OFFICE OF CRIMINAL INVESTIGATIONS

REPORT OF INVESTIGATION

1. TITLE Pioneer	2. CONTROL NUMBER P6-X-4-4 #14 34W
3. PERIOD COVERED	4. REPORTING OFFICE Seattle 2/11/87
SYNOPSIS: Reference is made to P61 86-X-4-4 #13 describing the sampling of materials during the execution of a federal search warrant on 9/3/86 at Pioneer Construction Materials Co., located at 5975 E. Marginal Way, S., Seattle, WA. Attached are the results of the analysis of these samples by the EPA Lab at Manchester, WA. The diagram and chart were prepared by James Hileman, Team Leader, Technical Support Section, Environmental Services Div., EPA.	
REPORT MADE BY S/A Gerd Hattwig	DATE 7-11-87
REVIEWING OFFICIAL SAIC Dixon McClary	DATE 7/21/87

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Pioneer Construction
Duwamish River

Station	Date	Time	Lab#	Turbidity	pH LAB	Cond@25C	Alkalnty	Solids	Solids
				Meter	Meter	Meter	Total	T-Dissol	T-Suspe
				NTU	Std Unts	umho/cm	mg/l	mg/l	mg/l
				82079	403	95	410	70300	530
EAST END OF WASHOUT TRENCH AT GATE	86/09/03	1812	360103	3600	13.06	9678	18000	2900	29190
EAST END OF WASHOUT TRENCH AT GATE	86/09/03	1808	360104	1480	13.02	8790	8939	2520	12000
SOLIDS SCREW TANK	86/09/03	1820	360105	5400	13.16	11116	24694	3330	40200
LOT SETTLING BASIN	86/09/03	1830	360106	3900	13.14	10760	17959	3260	28390
DUWAMISH R AT EDGE NR SOLIDS SCREW TAN	86/09/03	1845	360107	1.4	8.50	29010	106	19325	4
BELOW HOLE IN WALL BEFORE 1ST SETT BAS	86/09/03	1836	360108	200	12.96	6380	2020	1562	890
DUWAMISH R MID CHANNEL	86/09/03	2008	360111	1.7	7.74	30778	97.9	20676	2

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
OFFICE OF CRIMINAL INVESTIGATIONS

REPORT OF INTERVIEW

1. TITLE Pioneer	2. CONTROL NUMBER 86-X-4-4 #27 34W
3. PERSON INTERVIEWED Dennis J. Brenner	4. REPORTING OFFICE Seattle 10/27/86
5. LOCATION Seattle, WA	6. DATE 10/9/86

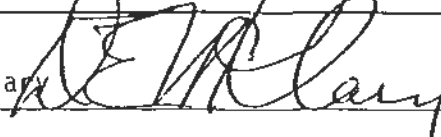
Reference is made to ROI 86-X-4-4 #22 by S/A Commodore Mann reporting the execution of a federal search warrant at the Pioneer Construction Material Company's Lake Union facility on 10/9/86. The search warrant had been issued by U.S. Magistrate Philip K. Sweigert, under Docket No. 86-274M-01, on 10/9/86.

During the execution of the above search warrant, S/A Dixon E. McClary interviewed Dennis J. Brenner, a Pioneer employee. Brenner stated that he had worked at the Lake Union facility for approximately 6 1/2 years. Brenner indicated that the Lake Union facility has been under its current ownership for approximately the past three years. Brenner stated that his job, among other things, was to fill the cement trucks with diesel fuel.

Brenner was asked about the large amount of standing liquid in the truck "yard." Brenner explained that approximately one month ago Pioneer began allowing its cement truck wash water to flow into the yard. Vacuum trucks would periodically remove some of the wash water but the vast majority would remain. Brenner continued that he was concerned about the standing liquid since the diesel fuel storage tank was located in the middle of the yard, underneath the liquid. The fill spout was reportedly submerged. Brenner indicated that he would not be able to replenish the diesel fuel in the tank when it ran out.

S/A McClary asked Brenner what Pioneer had been doing with the wash water in the past. Brenner replied that they had been disposing of it into Lake Union. Brenner continued that the wash water was discharged north of the auger through a wall directly into the lake. Brenner concluded by stating that the discharge point was now covered by a metal plate.

Brenner provided a residential address of 17301 Meadowdale Drive, Lynnwood, WA 98037, telephone 206-745-3632.

REPORT MADE BY SAIC Dixon McClary 	DATE 11/12/86
REVIEWING OFFICIAL	DATE

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
OFFICE OF CRIMINAL INVESTIGATIONS

REPORT OF INVESTIGATION

1. TITLE Pioneer Construction Materials Co.	2. CONTROL NUMBER 86-X-4-4 #20 34W
3. PERIOD COVERED	4. REPORTING OFFICE Seattle 10/15/86

SYNOPSIS:

On 4/11/86 S/A Gerd Hattwig started a surveillance of the concrete plant operated by Pioneer Construction Materials Co. at the south end of Lake Union in Seattle, WA. The street address of this plant is 901 Fairview Ave. North, Seattle, WA.

From 8:50 AM to 9:12 AM S/A Hattwig observed the steady flow of a grayish-brown liquid running out from a point about 30 ft. up a tower-like structure. This tower was part of the conveyor belt system which transported sand and gravel from the pier into the concrete mixing plant. Built on this pier which extends north into Lake Union was a large crane. Sand and gravel barges were tied up to this pier. The discharge ran out of the end of a pipe, fell about 30 ft. onto the pier and ran over the east side of the pier into Lake Union. The Lake water was discolored in an area about 10' by 10' which was visible from the opposite shore of the waterway. Also visible from this location was a conveyor belt which was operating.

Additionally, S/A Hattwig observed numerous concrete mixer trucks being washed out and discharging wastewater into the recovery system. These concrete trucks were driving in the yard of this plant in about 1' to 1 1/2' of murky gray-brown water--high enough to cover the tires up to the rim of the wheels.

From about 1:30 PM to 1:50 PM S/A's Purdy, Mann, McClary and Hattwig observed a continuous discharge of muddy liquid onto the pier from the tower-like structure.

At about 5:04 PM S/A Hattwig returned to the surveillance and took up a position along the public parking area along Lake Union. At that time the discharge from the tower was no longer occurring. S/A Hattwig observed a large number of concrete mixer trucks returning to the plant and washing out their drums in the truck wash area. A white male was also observed operating a skiploader and digging out some gray material in the vicinity of the truck wash area at about 5:35 PM. The gray matter appeared to be wet cement debris that was being removed from an area to the west of the auger-like recovery system. This gray material appeared to be very wet since liquid was dripping from the bucket of the frontend loader as it transported the material. The material was dumped on large high piles of what appeared to be cement waste on the west side of the property. S/A Hattwig also noticed the presence of a metal plate on the cement wall of the cement wastewater settling tank. This plate was on the east wall at the southern end of the tank between the second and third wood piling (counting from the south). Wetness on the cement wall around the metal was clearly visible, however the metal plate appeared to be dry.

REPORT MADE BY S/A Gerd Hattwig	DATE
REVIEWING OFFICIAL SAIC Dixon McClary	DATE 4/13/87

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CONTINUATION SHEET

CONTINUED:

At 5:54 PM S/A Hattwig observed the Pioneer facility from the public pier located on the west side of the plant. Looking east, piles of cement debris were visible along the north and west shoreline of the Pioneer plant. It appeared that cement debris flowed or rolled into the south end of Lake Union.

On 9/12/86 S/A Hattwig resumed his surveillance of the Pioneer plant at Lake Union. At about 9:25 AM with the morning sun shining on the truck wash area, S/A Hattwig observed the discharge of a liquid from the flooded yard through a channel between the bulkhead and the south end of settling tank. A concrete mixer truck was observed discharging liquid and sludge into the auger-like recovery system which caused an overflow of liquid from the system at the south end. It appeared from the proximity of the recovery system overflow to the channel between the bulkhead and the settling tank that this liquid was running through this channel into the lake. A steady stream of this liquid was observed to be flowing into Lake Union and continued until about 1:00 PM when surveillance was terminated.

Additionally, S/A Hattwig observed that the lower half of the metal plate on the cement wall of the settling tank was wet. The water level of the Lake was about 3 ft. below the plate and no wetness was visible at any other area on the settling tank wall at the same height. The area just below the metal plate appeared to be wet and was clearly stained gray.

Additionally, at 9:47 AM, a brown liquid was again observed to be discharging from the tower-like structure. The conveyor belt system was operating at that time and the crane and clamshell at the end of this pier was unloading sand and gravel from a barge. The flow of the brown liquid was less than had been observed on 9/11/86. At 10:56 AM the flow from the tower increased significantly and was forming puddles on the pier. At 12:45 PM S/A Hattwig was joined on the surveillance by S/A's McClary, Mann and Purdy on the east side of the waterway. Looking west all the agents witnessed the flow of a brownish liquid into Lake Union from the channel between the settling tank and the bulkhead. At that time the discharge from the tower had stopped. Agents observed, however, that the pier under the tower and on the east edge where the liquid would have entered Lake Union was still wet. Surveillance was terminated at 1:00 PM on 9/12/86.

On 9/15/86 at 9:00 AM S/A Hattwig resumed surveillance at Pioneer's Lake Union facility. S/A Hattwig observed concrete mixer trucks being washed and the contents of their drums being dumped into the auger-like recovery system. The metal plate attached to the wall of the settling tank was wet. An area about 1 ft. extending around and above the plate on the cement wall was also wet. No rain had been falling and the waves of Lake Union were about 2 ft. below the metal plate. Additionally, the southern corner of the metal plate was covered with a gray material, as was the entire area directly below the metal plate. None of these conditions existed as of 1:00 PM on 9/12/86. It seemed obvious that a discharge from the settling tank occurred between 1:00 PM, 9/12/86 and 9:00 AM on 9/15/86 through a drain behind the metal plate. (Hereafter referred to as metal plate drain.)

Additional observations from the public pier to the west of the Pioneer facility disclosed two clearly distinguishable drain holes in the concrete bulkhead.

CONTINUATION SHEET

CONTINUED:

Both drain holes were marked by gray stains leading toward the water line. Neither of the drains appeared to be discharging at that time, but from the gray stains it was obvious that discharges had occurred from these point sources in the past. Both of the drains were located in an area directly below the large cement waste pile on the west side of the Pioneer facility. This surveillance was terminated at 9:42 AM.

On 9/15/86, at about 5:30 PM, S/A Hattwig resumed the surveillance of Pioneer's Lake Union facility from across waterway #6. A number of concrete mixer trucks were pulling into the truck wash area. The trucks were being washed out and the content of their drums were being dumped into the auger-like recovery system.

The metal plate drain on the southeast side of the settling tank was discharging a yellowish-gray liquid which was running from the lower part of the metal plate. Additionally, a slight discharge of a brown liquid was observed through the channel between the bulkhead and the settling tank. Those discharges were observed until 6:05 PM when surveillance from that position was discontinued. During that time concrete mixer trucks continued to dump liquid into the auger-like recovery system and it would overflow into the yard at regular intervals.

Additionally, at about 5:56 PM S/A Hattwig observed a young female truck driver, wearing rubber boots, blue jeans, blue t-shirt with a darker blue square emblem on the front, and blond shoulder length hair. She apparently noticed the two discharges and was looking into the lake at the area of the discharges and talking to another male truck driver. At about 6:00 PM that female appeared to be pointing out the discharges to another older male workman, wearing blue coveralls, a red cap with a white front and a red visor. That male then walked over to and operated some control levers located between the auger-like recovery device and the settling tank. However, the discharge continued until 6:05 PM.

From 6:20 PM to 6:38 PM S/A Hattwig was on-board the Seattle Harbor Patrol Boat #3 operated by Seattle Police Officers C. Kearney and D. Engle. After rounding the barge tied up at the north end of the Pioneer pier, the police officers and S/A Hattwig observed a discharge from the northeastern corner of the settling tank. S/A Hattwig took a sample of the discharge. This sample was sent to the EPA Region 10 laboratory for analysis.

An attempt was made to maneuver the patrol boat close to the area of the metal plate drain for photographs and samples; however, this was not possible due to the shallow water next to the settling tank. Additionally, the officers and S/A Hattwig observed that cement debris was forming the shoreline between the settling tank and the northern part of the pier where the barge was tied up.

At about 9:15 AM on 9/16/86, S/A Hattwig continued his surveillance of the Pioneer Lake Union facility. At that time there was a brownish substance discharging from behind the metal plate drain at a steady rate. The crane which operated the clamshell bucket used to clean out the settling tank was running. Three white males, one of them wearing a green hardhat and two wearing orange hardhats, were on the facility looking around. Surveillance was discontinued at 9:26 AM.

CONTINUATION SHEET

86-X-4-4 #211 344

CONTINUED:

At 10:10 AM, S/A's Hattwig and Purdy reestablished surveillance in a public parking area on the east side of waterway #6. Both agents observed the steady discharge of a brownish liquid from the plate drain until about 10:23 AM. At that time the discharge became intermittent. The irregularity of the discharge appeared to be caused by the clamshell operation going on at this time. The crane operator was dropping the clamshell bucket of the crane into the settling tank and removing cement sludge and liquid from the tank. Each time the clamshell was dropped into the settling tank, cement wastewater would splash over the side into Lake Union. Each time the operator would lift the full clamshell out of the settling tank it would spill large amounts of cement waste and liquid into Lake Union as the clamshell would swing east and north over Lake Union. The debris was deposited by the crane at the north end of the property. S/A Purdy was recording these activities by means of a video recorder and with a 35 mm camera.

Additionally, the S/A's observed a young white male, about 6' tall with a mustache, wearing a green hardhat, taking liquid samples at the Pioneer facility. This individual then walked out of the facility and took water samples opposite the Pioneer facility on waterway #6 just below the surveillance point of the agents. He did not address the agents but appeared to be writing down the license number and description of S/A Hattwig's government vehicle. This surveillance was terminated at 10:50 AM.

On 9/18/86 at 8:55 AM S/A Hattwig observed the discharge of a brownish liquid substance into Lake Union from the metal plate drain at the settling tank at the Lake Union facility of Pioneer. There was a black piece of plastic hanging from one side of the metal plate. Concrete mixer trucks were dumping the contents of their drums into the auger-like recovery system. The area of the metal plate, on the cement wall, 1' up and to the sides of the metal plate, was wet. The water line of Lake Union at the rest of the facility was 2' below the metal plate.

At 12:20 PM S/A's Purdy and Hattwig observed the continued steady flow of brown liquid from the metal plate drain. Additionally, at 1:37 PM the S/A's observed a green vacuum tank truck in the yard. The truck had the small red numbers 8657 on its side. The tanker end of the truck had the numbers 318A written on its side. The tank truck appeared to be sucking up liquid from the ground.

At 4:45 PM the surveillance was discontinued but the discharge from the metal plate drain was continuing at a steady rate.

On 9/19/86 at 8:30 AM S/A Hattwig reestablished surveillance of the Lake Union Pioneer plant from across waterway #6. A brown liquid was again discharging into Lake Union from around the metal plate located in the wall of the settling tank. Additionally, the crane and clamshell were operating and the clamshell was located in the settling tank. At 9:00 AM the plate drain was still discharging. S/A Hattwig departed that surveillance point.

At 9:30 AM, S/A Hattwig conducted surveillance of the Pioneer Fairview facility from 1717 N. Northlake Place, Seattle Police Harbor Patrol base. With

CONTINUATION SHEET

CONTINUED:

the aid of a spotting scope S/A Hattwig observed the crane with the clamshell taking gray sludge and liquid out of the settling tank. On each pass the clamshell, as it swung over the water, would drop large amounts of liquid and sludge into Lake Union. S/A Hattwig observed five occasions in which the clamshell dropped sludge into the lake.

S/A Hattwig boarded a Seattle Police Harbor Patrol boat on a patrol of the southern end of Lake Union. During this patrol S/A Hattwig observed, at a close range, additional work by the clamshell and crane. Each time the clamshell would pick up a load of sludge from the settling tank it would swing out over Lake Union and drop liquid and sludge into the water. The gray sludge was then deposited on the shoreline at the northeast side of the pier. Three of these incidents were witnessed before it stopped. Harbor Patrol Officers R. Avery and A. Vanpymbrouck also witnessed these incidents.

On 9/22/86 S/A Hattwig conducted a surveillance of the Pioneer Lake Union plant from 9:10 AM to 9:15 AM. During that time, a green tanker truck from Crosby & Overton, numbered 317A, was observed vacuuming up liquid waste from the ground. A number of concrete mixing trucks were observed being loaded and washed out. No flow was observed from the metal plate drain at the settling tank. S/A Hattwig observed and photographed a number of gray spots visible on the south side of a barge that was moored just north of the property containing the settling tanks and the cement reclaiming operation. These gray spots appear to be drippings from the clamshell which was observed to be operating on 9/19/86 when the operator was cleaning out the settling tank. The barge was located in an area where the clamshell would pass over it as the operator would swing the clamshell from the settling tank to the cement waste area.

On 9/23/86 at 11:55 AM S/A Hattwig continued the surveillance of the Lake Union Pioneer facility. The plant was operating and concrete mixer trucks were being loaded and washed out. The metal plate drain on the settling tank was not discharging despite heavy rains. The major portion of the yard appeared to be flooded with grayish brown liquid. Trucks were driving through about 1 1/2 ft. of liquid. Crosby & Overton tank truck, #317A, drove into the yard. The tank truck operator then attempted to hook up the hoses to the truck. The driver was walking cautiously and it appeared that the liquid would run over the top of his rubber boots at any time. At 12:20 PM the C&O truck left the Lake Union facility and the surveillance was discontinued.

On 9/25/86 at 8:35 AM S/A Hattwig continued the surveillance of the Pioneer Lake Union facility. Observations were conducted from the parking area next to the St. Vincent facility. No flow from the metal plate drain on the settling tank was visible. S/A Hattwig observed the crane with the clamshell bucket moving cement debris from the northeast area of the property further inland. The clamshell operation was continuing at 8:55 AM when the surveillance was discontinued.

On 10/2/86 from 9:50 to 9:55 AM S/A Hattwig conducted a surveillance at Pioneer's Lake Union plant. Due to the presence of a large barge S/A Hattwig was unable to determine if there was any discharge from the metal plate drain. The view of the settling tank and the plate drain was completely blocked by the barge. Tank truck #313A from C&O was observed to be in the yard. S/A Hattwig was able to see cement mixer trucks being washed out at this location.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
OFFICE OF CRIMINAL INVESTIGATIONS

REPORT OF INVESTIGATION

1. TITLE Pioneer	2. CONTROL NUMBER 86-X-4-4 #22 34W
3. PERIOD COVERED	4. REPORTING OFFICE Seattle

SYNOPSIS:

Search Warrant - Lake Union

On 10/9/86 U.S. Magistrate Philip K. Sweigert issued a criminal search warrant for Pioneer Construction Materials (Lake Union), 901 Fairview Ave. North, Seattle, WA. The search warrant was based upon the written affidavit of S/A Gerd Hattwig. The search warrant was issued under Magistrate's Docket Number 86-274M-01. Copies of the search warrant and affidavit are attached.

On 10/9/86, at approximately 1:00 PM the following individuals met to discuss the search warrant and property list of items to be seized pursuant to the warrant.

1. S/A Gerd Hattwig
2. S/A Dixon McClary
3. S/A Ken Purdy
4. S/A Commodore Mann
5. Dan Bodien
6. Jim Hileman
7. Dave Robocken
8. Dan Tangerone
9. Robert Athman
10. Kevin Fitzpatrick, Washington Dept. of Ecology

During the meeting the above named individuals read the affidavit for the search warrant. The search warrant and property list of items to be seized were discussed. All the above named individuals were members of the search team.

On 10/9/86 at approximately 2:15 PM S/A's Hattwig and McClary contacted Dick Glynn, Pioneer employee, who took them to Dan Carchano, Batchman of the number 3 mixer at the Lake Union facility of Pioneer. Carchano stated he is in charge of this operation and would accept service of the federal search warrant. S/A's Hattwig and McClary identified themselves and gave a certified copy of the warrant to Carchano. Carchano was located in the control room of the concrete mixing building at Pioneer (the batch room).

At approximately 2:25 PM the rest of the search team entered the Pioneer facility to begin the search. After determining that there were only a limited number of records at this plant, Dan Bodien, Dan Tangerone and Robert Athman left.

REPORT MADE BY S/A Commodore Mann	DATE Nov 12, 1986
REVIEWING OFFICIAL SAIC Dixon McClary	DATE 11/12/86

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CONTINUATION SHEET

CONTINUED:

At approximately 2:45 PM Linda Christophersen, Attorney at Law, arrived at the batch office of Pioneer. There, Christophersen met with S/A Mann. Christophersen stated she was there at the request of Pioneer. Christophersen was given a copy of the search warrant. Christophersen left the batch office to observe the search of the premises.

At approximately 2:55 PM Ron Droz, vacuum tank truck driver for Crosby & Overton (C&O), entered the batch office. Droz gave Carchano a sample bottle of waste water and a receipt for 5000 gallons of waste water that he had just vacuumed from the Lake Union facility. Droz said he was going to deliver the waste water to C&O. Droz told S/A Mann that the sample container of wastewater he gave Carchano came from the load he had picked up from the Lake Union facility at approximately 1:00 PM. S/A Mann seized the sample container and C&O receipt. The sample container was marked item #5 on the property list. The C&O receipt was marked item #6 on the property list.

Prior to the sample being secured by S/A Mann, Carchano tested the wastewater in the container. The sample registered a pH of 12.24 on Carchano's meter. Carchano said that the main Pioneer office on the Duwamish had recently sent him the pH meter. Carchano said that he had received the pH meter near the first of Oct. 1986. Carchano said that he was instructed by Summers and Tea to measure the pH on every load of wastewater that left the cement plant. Carchano said that all wastewater loads that were tested and had a pH of 12.25 and over were to be delivered to C&O. Those loads under a pH of 12.25 were to be dumped in the gravel pit.

Pursuant to the search warrant a total of 7 items were seized. A copy of the inventory is attached. This total included samples that were taken from the Pioneer property and transported to the EPA Region 10 Lab for analysis.

Ron Summers was given a copy of the property list of items seized. Christophersen was present when Summers reviewed and was given a copy of the property list of items seized. Agents left this Pioneer facility at approximately 6:45 PM.

On 10/10/86 S/A Hattwig made a return of search warrant to U.S. Magistrate Sweigert.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
OFFICE OF CRIMINAL INVESTIGATIONS

REPORT OF INVESTIGATION

1. TITLE Pioneer	2. CONTROL NUMBER 86-X-4-4 #23 34W
3. PERIOD COVERED	4. REPORTING OFFICE Seattle

SYNOPSIS:

Reference is made to ROI 86-X-4-4 #22 by Commodore Mann reporting the execution of a federal criminal search warrant on 10/9/86 at Pioneer Construction Materials Co. located at 901 Fairview Ave. North, Seattle, WA.

At approximately 2:15 PM on 10/9/86 S/A's Gerd Hattwig and Dixon McClary went to the Pioneer Construction Materials Company located on Lake Union, address as above. These agents were directed by Dick Glynn, laborer, to the office of Danny Carchano, batchman left in charge of this plant. Carchano stated that he did not really hold any supervisory position but was simply operating the number 3 mixer. Carchano accepted service of the search warrant and S/A Hattwig proceeded to explain the search warrant process to Carchano. Carchano said that he understood and stated "help yourself."

S/A Hattwig also explained to Dick Glynn who had inquired "do we have a problem here", the purpose of the EPA presence and the search warrant process. Glynn agreed to take the agents on a tour of the facility.

During the tour Glynn stated that returning mixer trucks take on recycled water to wash out their drums. The drums are then emptied into a recovery device which by means of a large screw-like device separates the sand and gravel from the liquid. The sand and gravel is then recovered from a pit by means of a front loader. The liquid drains into a settling basin built into the ground. This basin is rectangular and reportedly of concrete wall construction. The basin is divided into three sections. According to Glynn the most northern section of the settling basin was used to pump the clarified liquid into after the solids had settled out. Glynn stated that up until about three weeks ago this was how the excess liquid was disposed of. Starting about three weeks ago, after a complaint, (Glynn would not elaborate), the clarified liquid was no longer pumped into the most northern holding tank. All the liquid now runs into the yard from the first settling tank. Glynn said ever since they stopped using the most northern settling basin the yard has been flooded by a foot of cement waste liquid. Tanker trucks from Crosby and Overton have been hauling this liquid away daily.

Glynn stated he has never seen any flow or spillage from any of the settling basins into Lake Union. When Glynn was specifically asked by S/A Hattwig what happened to all the liquid that was previously pumped into the most northern settling basin and is now flooding the yard, he stated "it evaporated." Glynn said he has not seen any overflow of liquid from the most northern holding tank at the northeastern corner now blocked by a clean metal plate.

REPORT MADE BY S/A Gerd Hattwig	DATE 12-16-86
REVIEWING OFFICIAL SAIC Dixon McClary	DATE 12/22/86

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CONTINUATION SHEET

CONTINUED:

Glynn explained that a couple of times a week the settling basins are cleaned out by means of a clamshell and crane. The mud and liquid are deposited in a pond cut out of the cement waste and located to the northwest of the settling basins. Glynn said that the crane operator will drop the clamshell into the settling basins and clamshell out as much of the solids as possible and then swing the crane north and west. Glynn pointed to an area west of the settling basins and stated that the mound, about 25 ft. high, was made from cement waste. Glynn again stated that all the liquid waste in this pond, described above, would evaporate and that he has never seen it enter or overflow into Lake Union.

Glynn was asked specifically by S/A Hattwig what, if any, measures are taken to prevent the cement waste and debris from entering Lake Union--which surrounds the cement waste pile on three sides. Glynn said he remembered there are retaining walls made from ecology blocks that contain the cement waste. Glynn said he has not seen any cement waste enter Lake Union. Glynn added that the old barge which is no longer usable and a smaller barge which is overturned just happen to be moored at the north end of the property and were not intended to hide anything.

Inspection of the area between the barge and the pier disclosed that cement waste has entered the waters of Lake Union along the entire north side of the pier and the east side of that pier, north of the settling basin. It was also noticed when approaching the pier by boat that the barge blocks the direct view of the cement debris in the water. Furthermore, the point of the discharge from the north wall of the settling tank, previously observed by S/A Hattwig on 9/15/86, is also hidden from direct view by this large barge.

During the tour of the plant Glynn also introduced S/A Hattwig to Mr. Gene Belonga, another individual who works in the yard at the Lake Union Pioneer facility. According to Glynn, Belonga operates most of the heavy equipment.

Glynn and Belonga were questioned by S/A Hattwig regarding the liquid dripping from the tower like structure on the wooden pier used to unload sand and gravel. Glynn had previously explained that the tower was part of a system allowing sand and gravel to travel on conveyor belts from the barges to the concrete mixing area. Glynn claimed to be unaware of any liquid or solids discharging from the tower despite the obvious wetness and sand-like material accumulated under the tower. From the flow pattern of this material it was obvious that some of this material had entered Lake Union through a hole in the pier and also by flowing over the east side edge of the pier.

Belonga stated that the liquid is clean water, not recycled water, used to keep the underside of the conveyor belts clean. Belonga added that the water was turned off about three weeks ago in an attempt to keep materials from flowing into Lake Union. Belonga said that any material entering Lake Union from this location can only be "clean" (not recycled) water and clean sand used in the mixing of concrete. (Reference is further made to ROI 86-X-4-4 #25 by S/A Hattwig reporting the interview of Belonga.) Both Glynn and Belonga seemed evasive about who told them and how they were told, about three weeks ago, to make an effort to eliminate any discharges into Lake Union. But both Glynn and Belonga stated that Ron Summers,

CONTINUATION SHEET

86-X-4-4 #23 34W

CONTINUED:

the Operations Manager, and James A. Repman, President of Pioneer Construction Materials Co., are running this facility and are at this plant frequently.

At approximately 2:48 PM S/A Hattwig noticed Linda Christophersen, Attorney, Ron Summers, and Leonard Compher, Environmental Coordinator for Pioneer, enter the yard of the Lake Union facility. S/A Hattwig offered to provide Linda Christophersen with a copy of the search warrant but she stated that she had met S/A Commodore Mann who had already provided her with a copy of the warrant. Thereafter, S/A Hattwig had a short conversation with Ron Summers which is reported in ROI 86-X-4-4 #24. Ron Summers, Linda Christophersen and Leonard Compher were present in the yard at the Fairview plant until about 6:45 PM when the agents left the plant.

During the execution of the search warrant, 13 samples were taken under the direction of James R. Hileman on the property occupied by Pioneer. Additionally, numerous samples were taken from Lake Union. The sampling and the analysis of these samples will be reported in a separate report.

While inspecting the Lake Union facility, samples, photographs and videotape footage were also taken from a boat. Personnel specifically taking part in this part of the operation were Dave Robocken and Jim Hileman of EPA-ESD. Kevin Fitzpatrick, WDOE, and S/A's Purdy and Hattwig. The above named individuals all witnessed the discharge of a liquid from a square pipe terminating in the bulkhead on the west side of the facility about 2 ft. above the surface of Lake Union. The side of the bulkhead below the pipe was discolored, gray-white in color, with calcium like deposits along the stain. The same above listed individuals further traveled by boat around the northern part of the facility. To the north, in the area between a large barge and the facility, solid cement waste was observed in the water all along the north and part of the northeast shoreline. In some areas the lake water had under-cut the cement waste and created caves. In other areas, it was evident from the flow pattern that cement waste had recently been dumped along the slope of the cement waste pile and run off into Lake Union. Also the cement waste was yellow in color where it was coming in contact with the lake water.

An inspection of the outside walls of the settling basin disclosed that part of the cement wall at the northeast corner was missing. At this location there appeared an irregular hole, as if cut with a jackhammer about 2 ft. in diameter. The settling basin with the hole in the wall was used until about three weeks ago according to Pioneer employee, Dick Glynn. Prior to three weeks ago, the excess cement wastewater was pumped into this basin. (The break in the wall of this settling basin is where S/A Hattwig and two Seattle Police Harbor Patrol Officers witnessed a stream of liquid discharging into Lake Union on 9/15/86.) The break was partially blocked by a steel plate. It appeared that if the level of liquid in this settling basin rose another discharge to Lake Union was probable. The steel plate was devoid of any cement stains or deposits. This was in sharp contrast to the area immediately next to it. That area had cement stains and deposits several inches high.

Whenever possible the above observations were documented by photographs and/or videotape recordings. At approximately 6:45 PM agents left the Fairview facility of Pioneer Construction Materials Co.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
OFFICE OF CRIMINAL INVESTIGATIONS

REPORT OF INTERVIEW

1. TITLE Pioneer	2. CONTROL NUMBER 86-X-4-4 # 24 34W
3. PERSON INTERVIEWED Ronald E. Summers	4. REPORTING OFFICE Seattle
5. LOCATION Seattle, WA	6. DATE 10/9/86

Reference is made to ROI 86-X-4-4 #22 by S/A Commodore Mann reporting the execution of a federal criminal search warrant at Pioneer Construction Materials Co. located at 901 Fairview Ave. North, Seattle, WA on 10/9/86.

At about 3:00 PM on 10/9/86 Ronald E. Summers was interviewed in the yard of the facility identified above. Also present during this interview were Leonard Compher, Environmental Coordinator for Pioneer, and Linda Christophersen, Attorney, Bogle and Gates law firm. Summers stated he is in charge of this plant and responsible for its day to day operation. Summers added that there is no other foreman or supervisor in charge of running this concrete plant.

Summers acknowledged that there had been no discharge to the Metro Sewer System from this plant for some time because the plant's system was inoperative. Beginning about three weeks ago, all waste cement wash water was hauled out by tanker truck by Crosby and Overton (C&O) and then treated at the C&O facility for high pH. During this conversation, a tank truck from C&O pumped 5000 gallons of wastewater out of the yard. Summers stated that if the pH of the wastewater is less than 12.25 the C&O tank trucks had been hauling the wastewater to the gravel pit at Steilacom. The wastewater was then dumped into settling ponds. Summers added that there was no other treatment of the wastewater at Steilacom. He said that the Steilacom gravel pit is operated under the name of Northwest Aggregate, a joint venture with Pioneer.

Ron Summers stayed on the premises until about 6:45 PM. At that time, Summers and Christophersen were provided with a copy of items seized.

REPORT MADE BY S/A Gerd Hattwig	DATE 11-10-86
REVIEWING OFFICIAL SAIC Dixon McClary	DATE 11/10/86

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
OFFICE OF CRIMINAL INVESTIGATIONS

REPORT OF INVESTIGATION

1. TITLE Pioneer	2. CONTROL NUMBER 86-X-4-4 #26 34W
3. PERIOD COVERED	4. REPORTING OFFICE Seattle

SYNOPSIS:

Reference is made to ROI 86-X-4-4 #22 by S/A Commodore Mann reporting the execution of a federal criminal search warrant on 10/9/86 at Pioneer Construction Materials Co. located at 901 Fairview Ave. North, Seattle, WA.

During the execution of the search warrant, S/A Hattwig was approached by Mr. Peter Barnes, a concrete mixer truck driver. Barnes had been driving a concrete truck bearing the number 73-305. Barnes asked what the agents were doing at this facility. S/A Hattwig advised Barnes that EPA agents were taking samples pursuant to a federal search warrant. Barnes then asked if the EPA agents were here in response to a request from Pioneer Construction.

Barnes went on to explain that he reported to work at the Lake Union facility on 10/9 at approximately 7:30 AM. Barnes said he noticed that the water in Lake Union, surrounding the Pioneer plant, looked gray just like the liquid in the yard. Barnes assumed there must have been a large spill of cement wastewater into Lake Union.

Barnes stated he immediately telephoned the dispatcher on duty at the Pioneer Duwamish facility and told him that there might have been a spill of cement wastewater into Lake Union. Barnes did not get the name of the dispatcher and does not know his identity, but he recalls asking the dispatcher to take care of the situation.

Barnes concluded by saying that he thought the EPA agents had been called by Pioneer and were there at Pioneer's request.

Barnes furnished his home telephone number [REDACTED] on request.

REPORT MADE BY S/A Gerd Hattwig	DATE 12-12-86
REVIEWING OFFICIAL SAIC Dixon McClary	DATE 12/12/86

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OFFICE OF CRIMINAL INVESTIGATIONS

REPORT OF INVESTIGATION

1. TITLE Pioneer	2. CONTROL NUMBER 86-X-4-4 #25 34W
3. PERIOD COVERED	4. REPORTING OFFICE Seattle

SYNOPSIS:

Reference is made to ROI 86-X-4-4 #22 and #23 reporting the execution of a federal criminal search warrant on 10/9/86 at Pioneer Construction Materials Co. located at 901 Fairview Ave. North, Seattle, WA. During the execution of the warrant S/A Hattwig had a brief conversation with Gene Belonga. Belonga stated that he is employed as an equipment operator at the Lake Union facility operated by Pioneer Construction Materials. Pioneer has been operating this plant for about 2 years.

Belonga said he operates the yellow crane with a clamshell bucket which is located to the northwest of the cement waste water settling tanks. A couple of times a week he will clean out the settling tanks using the crane and clamshell. The cleaning out operation consists of dropping the clamshell bucket into the settling tank and taking out the cement waste sludge and depositing the sludge on the cement waste pile to the west and northwest of the settling tanks.

Belonga stated he also operates the front loader which he uses to scoop up the reclaimed sand and gravel out of the pit from the north end of the large screw-like device. This device is used to reclaim sand and gravel brought back by returning concrete mixer trucks which empty their wash water and leftover concrete into the screw-like device.

The reclaimed sand and gravel is also taken and deposited on the waste cement pile by means of the front loader. According to Belonga some of this material from the waste pile is used as fill by others and he will also use the front loader to fill the trucks hauling away the fill material.

Belonga added he was aware of a leak from the first cement wastewater settling tank. Belonga stated about three weeks ago he noticed the leak of wastewater from behind the metal plate on the east side of this tank. Belonga stated that he took some rags and cement to plug the leak.

Belonga terminated this conversation by climbing onto the front loader and moving away.

REPORT MADE BY S/A Gerd Hattwig	DATE 12-16-86
REVIEWING OFFICIAL SAIC Dixon McClary	DATE 12/22/86

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OFFICE OF CRIMINAL INVESTIGATIONS

REPORT OF INVESTIGATION

1. TITLE Pioneer	2. CONTROL NUMBER 86-X-4-4 #18 34W
3. PERIOD COVERED	4. REPORTING OFFICE Seattle 2/11/87

SYNOPSIS:

Reference is made to ROI 86-X-4-4 #22 describing the sampling of materials during the execution of a federal search warrant on 10/9/86 at Pioneer Construction Materials Co. located at 901 Fairview Ave. N., Seattle, WA (Lake Union).

Attached are the results of the analysis of these samples by the EPA Lab at Manchester, WA. The diagram and chart were prepared by James Hileman, Team Leader, Technical Support Section, Environmental Services Div., EPA.

REPORT MADE BY S/A Gerd Hattwig	DATE 7-1-87
REVIEWING OFFICIAL SAIC Dixon McClary	DATE 7/21/87

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
OFFICE OF CRIMINAL INVESTIGATIONS

REPORT OF INVESTIGATION

1. TITLE Pioneer	2. CONTROL NUMBER 86-X-4-4 #15 34W
3. PERIOD COVERED	4. REPORTING OFFICE Seattle 9/3/86

SYNOPSIS:

Reference is made to ROI 86-X-4-4 #13 by S/A Commodore Mann reporting the execution of a federal criminal search warrant at Pioneer Construction, 5975 E. Marginal Way South, Seattle, WA on 9/3/86. During the execution of that warrant, S/A Dixon McClary encountered Bob Tea in the "yard" near the truck wash area. S/A McClary identified himself to Tea and advised him that a search warrant, related to environmental violations, was in progress. Tea was also advised that neither he nor anyone else at the plant was in custody. Tea stated that he understood he was not in custody. Tea jokingly added that if anyone was going to jail it should be Ron (Summers, Operations Manager). Summers was present at the time. S/A McClary assured both Tea and Summers that no one at the plant was in custody. Both Tea and Summers acknowledged. Tea then agreed to answer questions.

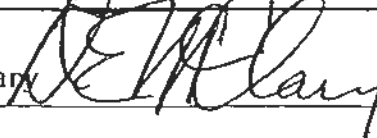
Tea stated that he had worked at that particular cement plant for approximately four years. Tea continued that he was in "operations" and worked for Ron Summers. Tea indicated that the "operations" staff consisted primarily of he and Summers and that they had operational responsibility for several Pioneer cement facilities. Tea indicated that he had just returned from the Portland facility and would shortly be enroute to their Tacoma facility.

S/A McClary asked Tea to accompany him out onto a "catwalk" which runs parallel to the truck wash/recycle facility. The "catwalk" is essentially a wire mesh walkway attached to the outboard (riverside) of the truck wash/recycle facility. Tea agreed.

S/A McClary pointed out a hole in the concrete wall, which was loosely covered by a metal plate. S/A McClary asked Tea to explain. Tea stated that the hole had been jackhammered in the concrete retaining wall by employees of the previous owner, Kaiser. Tea continued that truck washings would discharge through that hole and into the river if the liquid levels in the truck wash/recycle facility were too high. Tea stated that it was a common occurrence with the previous owner.

Tea acknowledged that the loose fitting metal plate would not stop or eliminate a discharge from that hole. Tea further acknowledged that the liquids beneath the hole on the river bank could only mean that a discharge had recently occurred through the hole.

Tea stated that approximately 3 months ago Ron Summers instructed him to plug the hole in the wall. Tea subsequently instructed other Pioneer employees to

REPORT MADE BY SAIC Dixon McClary 	DATE 9/25/86
REVIEWING OFFICIAL	DATE

CONTINUATION SHEET

86-X-4-4 #15 34W

CONTINUED:

plug up the hole. Tea said that this was the first time he had looked at the hole since issuing those instructions.

Tea also stated that approximately 3 months ago Summers ordered him to stop the use of a bypass gate. S/A McClary and Tea then moved to a position where they could view the gate. The bypass gate was observed to be a hydraulically operated metal gate located on the outboard (riverside) of the truck wash/recycle facility. The gate divided an otherwise solid concrete wall and was located where washings would reach it just prior to the large separation auger. The gate was operated from the top by a hydraulic cylinder. The shaft of the hydraulic cylinder was very dirty with the exception of the top approximate 3 inches which was clean and shiny.

S/A McClary inquired about the purpose of the gate. Tea responded that the purpose was obvious and that it was designed to allow truck washings to bypass the recycling facility and flow directly down the bank and into the river. Tea continued that the gate had been used with some regularity by the prior owners. Tea explained that concrete and sediment would periodically build up along another gate which was perpendicular to the bypass gate. The bypass gate would then be opened to divert wash water during the removal of the concrete and sediment buildup. Reportedly, the bypass gate was also used when repair work was required on the auger; which was located just beyond the bypass gate. Tea acknowledged that the clean portion of the hydraulic cylinder shaft could only mean that the bypass gate had recently been opened.

Tea stated that approximately 1 or 2 weeks ago the auger had broken down. The repairs to the auger took approximately 1 week. Tea speculated that company employees opened the bypass gate to divert truck washings during the repairs. Diverting the truck washings would allow repairmen to work in a reduced quantity of liquids.

S/A McClary asked Tea if there were any other points of discharge at the facility. Tea responded that there was a sump into which Pioneer discharged mostly clean city tap water. Tea continued that he did not know for sure if the sump discharged into the river.

Tea said that Pioneer had been visited by a regulatory agency some months ago. Tea continued that discharges from the truck wash area and surface runoff had been areas of concern to that agency. Tea said that Pioneer was working to correct those areas of concern. Tea thought that a letter from that agency was in his office.

Parts of the above conversation were witnessed by Ron Summers. After approximately 15 to 20 minutes, Summers advised that Tea needed to leave for Pioneer's Tacoma facility. Tea subsequently departed.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
OFFICE OF CRIMINAL INVESTIGATIONS

REPORT OF INVESTIGATION

1. TITLE Pioneer	2. CONTROL NUMBER 86-X-4-4 #16 34W
3. PERIOD COVERED	4. REPORTING OFFICE Seattle 9/4/86

SYNOPSIS:

Reference is made to ROI 86-X-4-4 #13 by S/A Commodore L. Mann reporting the execution of a federal criminal search warrant at Pioneer Construction, 5975 E. Marginal Way S., Seattle, WA on 9/3/86. Reference is further made to ROI 86-X-4-4 #15 by S/A Dixon McClary reporting the interview of Bob Tea on that same date.

At approximately 4:45 PM on 9/3/86 S/A's Gerd Hattwig and Dixon McClary went to Pioneer Construction, address as above. There agents were directed by a receptionist, to the office of Ronald E. Summers, Operations Manager. Upon meeting Summers, S/A Hattwig identified the agents and presented Summers with a certified copy of the above referenced search warrant. S/A Hattwig proceeded to explain the search warrant and search warrant process to Summers. Summers then interrupted and summoned James A. Repman, President, from another part of Pioneer Construction offices.

When Summers and Repman returned, S/A Hattwig again explained the search warrant and search warrant process. At that time Repman was in possession of the certified copy of the search warrant previously presented to Summers. Shortly thereafter, Repman directed a secretary to transmit a copy of the search warrant to his corporate attorneys located in Portland, OR.

Both agents explained to Repman and Summers that the search warrant was directed at a premises and that no one at Pioneer Construction was under arrest or in custody. All Pioneer employees were free to go about their duties and leave at will. Both Repman and Summers acknowledged and stated that they would cooperate in any way possible.

Agents explained, in essence, that they were investigating alleged water pollution from the Pioneer facility at the truck wash area. S/A McClary asked if Pioneer had an NPDES permit. Summers replied in the negative. S/A McClary asked if Pioneer had applied for an NPDES permit. Summers replied in the negative. S/A McClary asked if Pioneer intended to apply for an NPDES permit. Summers again replied in the negative. Summers then responded that he had considerable experience in obtaining and complying with an NPDES discharge permit at Pioneer's Portland facility and that "quite frankly it's a real pain in the ass." Summers continued that Pioneer recycled its wash water at the E. Marginal Way facility and that they didn't have any intentional discharges. Summers added that they had had a problem with surface runoff but that problem was being fixed. Summers commented that it was very difficult not to have an occasional discharge when the facility was located directly on the water.

REPORT MADE BY SAIC Dixon McClary	DATE 9/28/86
REVIEWING OFFICIAL	DATE

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At that time Repman departed Summers' office with the stated intention of telephoning his corporate counsel. Summers then agreed to accompany S/A McClary to the truck wash/recycle area. As the two left the office building, Summers asked S/A McClary if the agents had "brought the divers this time" (an obvious reference to a search warrant executed at Marine Power & Equipment in 2/85).

Summers led S/A McClary to an area east of the truck wash/recycle facility. There Summers pointed out approximately 15-20 concrete forms. Summers explained that the forms were used to contain leftover concrete remaining in the returning trucks at the end of the day. The concrete would harden into "ecology blocks" which were sold by Pioneer for use as dividers and retaining walls. When all the forms were in use, Summers stated that concrete remaining in returning trucks was deposited into the truck wash/recycle facility.

Summers continued that Pioneer had been visited by an inspector from a regulatory agency. That inspector reportedly identified a surface runoff problem in the area of the "ecology blocks." Summers stated that Pioneer was fixing the problem by completing a small concrete curb between the "ecology block" area and the river. The curbing was intended to channelize the runoff to a holding basin. Liquids in the basin would then be transferred to the truck wash/recycle area by means of a sump pump. Summers pointed out the holding basin. The basin was observed to be a corrugated aluminum pipe, approximately 5 ft. in diameter and approximately 5 ft. tall, with a concrete base. Summers stated that the basin had been installed approximately one month ago and was not completed at this time. The aforementioned curbing directed runoff to the unfinished basin. Considerable erosion was evident from the end of the curbing around the basin and into the river. Summers acknowledged that the erosion indicated discharges were occurring to the river.

S/A McClary asked Summers if the regulatory agency had advised that discharges of a pollutant were prohibited without a permit. Summers said that he knew a permit was required to discharge. Summers continued that the regulatory agency had sent him a letter with an NPDES permit application attached. Summers added, however, that he had not applied for the permit or answered the letter because he had lost it. Summers stated that he had looked everywhere without success. Summers mused that the search warrant could result in him finding the letter and the application.

Summers then led S/A McClary to the truck wash/recycle area. On the west side was a concrete pad sloped toward a concrete retaining wall which would channelize water in the direction of the aforementioned recycle area. Returning concrete trucks were washed out using recycled wash water and/or fresh water. Residual concrete was obviously washed out of the trucks. Larger amounts of concrete were also discharged into this area when the "ecology blocks" were in use. Recycled wash water was available to the trucks by means of overhead pipes which were fed by a tall reservoir over the recycle area. Truck washings, including concrete, sand and gravel, would flow in an easterly direction along the concrete wall into a pit containing a large auger. The turning auger separated the solids (sand, gravel and rock) to a great degree from the liquids. Solids, with some liquids, moved through the auger into a pit where a frontloader would periodically scoop them up and stockpile them nearby. Liquids, with

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some solids, moved through the auger and into a channel which led to a settling pond. If the system was working properly, a float valve in the settling pond would automatically turn on a sump pump when the liquids rose to a predetermined level. The sump pump would move liquids from the settling pond into the tall reservoir over the recycle area. Recycled wash water in the reservoir could then be reused to wash trucks or reportedly be pumped into the concrete production facility. The entire truck wash/recycling area was divided from the riverbank and river by the above referenced concrete wall.

S/A McClary asked Summers to accompany him out on a wire mesh catwalk (previously described in ROI 86-X-4-4 #15. On the catwalk S/A McClary pointed out a hole in the concrete wall. The hole was loosely covered with a metal plate. There was an approximate 1" to 1 1/2" gap between the metal plate and the concrete wall. S/A McClary asked Summers for an explanation. Summers stated that the hole was obviously manmade and would allow a discharge from the truck wash/recycle area when the liquids rose to that level. Summers acknowledged that there were marked stains on the concrete around the hole indicating discharges had been occurring. Summers threw an object into a puddle of liquids beneath the hole. Summers noted that there had been an absence of rain for a considerable period of time and the liquids beneath the hole clearly indicated a recent discharge. Summers concluded by stating that he had never been out on the catwalk before and therefore had never closely viewed the hole.

Leaving the catwalk, Summers stated that approximately two to three months ago he was at the new Pioneer Construction warehouse across Slip 2. At that time Summers reportedly looked over at the concrete production facility and noted a discharge occurring from the truck wash/recycle area. The discharge was coming from the area of the catwalk and was running down the riverbank and into the river. Summers stated that he returned to the concrete production facility and immediately told Bob Tea to stop the discharge and plug the hole. Summers stated that he did not check with Tea thereafter to determine if the work was done.

The interview was temporarily interrupted by the arrival of Bob Tea. The interview of Bob Tea is reported in 86-X-4-4 #15. Summers, however, accompanied S/A McClary and Bob Tea to the vicinity of a bypass gate located in the truck wash/recycle area. Tea's observations and statements about the bypass gate are reported in the above referenced ROI in paragraph 7 and 8. Summers made the same observations relative to the operation of the gate. Summers noted that the gate was operated from the top by a hydraulic cylinder. The shaft of the hydraulic cylinder was very dirty with the exception of the top approximate 3 inches which was clean and shiny. Summers stated that the clean portion of the hydraulic cylinder shaft could only mean that the gate had recently been used. Following the interview of Bob Tea, S/A McClary returned to his discussions with Ron Summers. S/A McClary asked if Summers had indeed instructed Tea to plug the hole in the concrete wall and stop the use of the bypass gate. S/A McClary also reminded Summers that such instructions would mean Summers had seen two discharges instead of one. Summers responded that he did not specifically recall how many discharges he had seen. Summers said that he had definitely seen one but perhaps two. Summers stated that he did not specifically recall issuing instructions to Tea relative to the hole and bypass gate but could have. Summers stated that he recalled returning to the cement production facility and telling Tea to stop discharging.

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Summers stated that it was practically impossible to have no discharges to the river when the plant was located directly on the water. Summers added that none of the discharges were intentional. Summers jokingly added that if anyone were going to jail for the discharges it should be Jim (Repman).

Summers stated that Pioneer operated facilities at E. Marginal Way, Harbor Island, Fairview, Maury Island, Tacoma, and Portland. Summers stated that he and Tea had operational responsibilities at each facility. Summers continued that Pioneer intended to consolidate some of those cement operations into an expanded E. Marginal Way facility. To that end, Summers stated that he had been working on obtaining a shoreline permit. Summers continued that getting an NPDES discharge permit for the facility would be unacceptable because of the high pH of the truck washings. Summers stated that it would be Pioneer's intention to recycle all their truck washings and have no waste discharges.

Summers and S/A McClary returned to the Pioneer Construction offices. Upon returning to the offices, S/A McClary learned that two attorneys, representing Pioneer Construction, from Bogle and Gates were present. The attorneys were Charles R. Blumenfeld and Linda Christopherson.

At approximately 9:30 PM S/A McClary asked Summers to again accompany him into the "yard." Summers, along with Linda Christopherson, agreed. The three then walked to the vicinity of the truck wash/recycle area. Near that area was a ground level concrete doorway. Through the doorway was a ramp leading down at an approximate 40° angle. At the end of the ramp was a concrete sump. There was a hose in the sump which was connected to some pipes and related valves. The hose was running.

An underground concrete hallway led away from the sump. In the hallway was a conveyor belt with sand and gravel debris. Over the conveyor belt were several chutes. Summers explained that above each chute was a pile of sand or gravel. A chute was manually opened to allow that material, when needed, to fall on the conveyor belt. The conveyor belt, when running, would then transport the raw materials down the hallway and then up into the concrete production facility.

Summers was asked to explain the sump and where the liquid was flowing. Summers stated that he did not know where the liquid was going and that it could have been going to the sewer or it could have been going "straight out" (to the waterway). Summers continued that he had only been at that location (E. Marginal Way facility) for approximately 6 months and he was finding out things about the facility everyday.

Summers, Christopherson, and S/A McClary then examined the concrete hallway with the conveyor belt. All three agreed that the hallway was essentially sloped toward the aforementioned sump and that any wash down water or storm water would flow to the sump.

S/A McClary subsequently pointed out to Summers and Christopherson that a dye test of the sump indicated that it discharged to Slip 2 just below the area

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where the ecology blocks were located. Summers, Christopherson and S/A McClary observed the discharge and then returned to the office spaces.

Agents departed Pioneer Construction at approximately 10:25 PM.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
OFFICE OF CRIMINAL INVESTIGATIONS

REPORT OF INVESTIGATION

1. TITLE Pioneer	2. CONTROL NUMBER 86-X-4-4 #17 34W
3. PERIOD COVERED	4. REPORTING OFFICE Seattle 9/8/86

SYNOPSIS:

Reference is made to ROI 86-X-4-4 #13 by Commodore Mann reporting the execution of a federal criminal search warrant at Pioneer Construction Materials Co., 5975 E. Marginal Way South, Seattle, WA on 9/3/86. Reference is further made to ROI 86-X-4-4 #16 by S/A Dixon McClary reporting the interview of Ronald E. Summers.

ROI 86-X-4-4 #16 by S/A McClary also covers the initial contact with James A. Repman, President of Pioneer Construction Materials Company. After being summoned to Ron Summers' office Mr. Repman proceeded to read the certified copy of the search warrant and listened to the explanations by the special agents. He did acknowledge that he was aware of the laws requiring NPDES permits for discharges of wastewaters from cement plants into rivers. He stated he knows about NPDES permits because of his supervisory responsibility over a plant, similar to this one, in the Portland, OR area. Repman said he knows that this plant has no NPDES permit and does not need one because this plant is designed to recycle all wastewater.

Repman left Summers' office stating his intent to telephone his corporate counsel. Approximately 20 minutes later a female employee of Pioneer knocked on the closed office door of Repman's office. Apparently the door was locked from the inside because Repman had to open the door from the inside to communicate with the employee. At that time, Repman also noticed that the search of the offices was in progress and in a loud voice objected to the search prior to the approval from his attorney. Repman accused EPA of illegally invading his rights to privacy and demanded again that the search be stopped immediately. S/A Hattwig responded to Repman that the search by EPA agents and employees was authorized by a federal search warrant and that the search would continue without any delays. Repman then slammed his door to continue his telephone conversation.

A short time later Repman opened his office, invited S/A Hattwig in and apologized for his earlier conduct. Repman stated he was concerned about losing the use of his records and was advised by S/A Hattwig that he would be permitted to obtain copies of any document seized during this search warrant at a later date.

Repman further expressed his concern over maintaining the confidentiality of the seized files and was apprised by S/A Hattwig that the files would be maintained in accordance with evidence procedures.

REPORT MADE BY S/A Gerd Hattwig	DATE 11-10-86
REVIEWING OFFICIAL SAIC Dixon McClary	DATE 11/10/86

This document contains neither recommendations nor conclusions of the EPA. It is the property of the EPA and is loaned to your agency; it and its contents are not to be distributed outside your agency.

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While in his office Repman further stated that another company of Riedel International Inc., Riedel Environmental Services and Riedel Emergency Services, are the Superfund contractor for the EPA and hold this contract for all 23 states west of the Mississippi. Repman also pointed out some of the literature he maintained in his office regarding Riedel Environmental Services and Riedel Emergency Services.

During this conversation in Repman's office, attorneys Charles R. Blumenfeld and Linda Christophersen from the law firm of Bogle and Gates entered and were accorded privacy with Repman in his office prior to the search of the office.

During the execution of the search warrant Repman ordered deli sandwiches for his staff, attorneys, and the EPA personnel. EPA personnel declined the dinner invitation stating they would work through dinner to expedite the conclusion of the search. During the dinner, Repman, his staff, and the Bogle and Gates attorneys were also consuming beer and wine.

Toward the end of their dinner break, in the presence of his attorneys, Repman was asked by S/A Hattwig to explain the concrete mixer truck clean-up and maintenance procedures.

Repman stated that every mixer truck has to be washed out at least once at the end of each day. This prevents the concrete from settling and hardening in the drum. Repman said recently a driver at their Portland concrete plant did not wash out the drum of his truck and was fired after spending a day inside the drum with a jackhammer, chipping loose the hardened concrete. Repman added, therefore, he is sure that each mixer truck is washed out at least once a day if it was used at all. Additionally, Repman said that as a matter of policy each truck returns at the end of each day to the plant.

Repman stated there is no accurate record of how many concrete mixer trucks wash out on any given day at the Duwamish plant because these trucks are dispatched between all three plants in the Seattle area and sometimes even the Tacoma plant. Repman estimated that between 25 to 45 mixer trucks on the average might wash out at the Duwamish plant daily.

Subsequent to the dinner break Repman helped the searching agents in locating specific records and at the conclusion of the search he and his attorneys reviewed the inventory of items seized during the execution of the warrant.

Agents departed the Pioneer facility at about 10:25 PM.